

REMARKS

The Applicant has carefully reviewed the Office Action mailed September 19, 2008 and offers the following remarks.

Claims 1, 2, 22, and 23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2004/0131078 A1 to *Gupta et al.* (hereinafter “*Gupta*”) in view of U.S. Patent Application Publication No. 2005/0108372 A1 to *Guo et al.* (hereinafter “*Guo*”). The Applicant respectfully traverses the rejection.

According to Chapter 2143.03 of the M.P.E.P., in order to “establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art.” The Applicant submits that neither *Gupta* nor *Guo*, either alone or in combination, discloses or suggests all the features recited in claims 1, 2, 22, and 23. As acknowledged by the Patent Office, *Gupta* does not disclose all the features recited in claims 1 and 22 and instead cites to *Guo*.¹ However, *Guo* is not a proper reference. More specifically, the present application has a filing date of April 14, 2004, well before the May 19, 2005 publication date of *Guo*. Furthermore, *Guo* has a filing date of October 29, 2003. Accordingly, *Guo* is only prior art against the present application under 35 U.S.C. § 102(e). The Applicants submit herewith a Declaration from John R. Witcher, III stating that he received an invention disclosure on or about October 6, 2003, before the October 29, 2003 filing date of *Guo*. The invention disclosure received by Mr. Witcher includes all the features in claims 1 and 21, the independent claims of the present application, as illustrated below:

1. A personal communication device (Appendix A, page 2, ll. 17-18, Figure accompanying Appendix A, entitled “Dual-Personality -1,” which illustrates a mobile device) comprising:
 - a) at least one packet communication interface (Appendix A, page 2, ll. 17-18; and Figure accompanying Appendix A, entitled “Dual-Personality -1,” the Figure shows that the mobile device has established communications with devices having the following addresses: userA@home.net and userA@business.com, thus the mobile device inherently has a packet communication interface);

¹ See Office Action mailed September 19, 2008, page 2.

b) a control system associated with the at least one packet communication interface (Appendix A, page 2, ll. 14-20, where discussion is made regarding a communication device being able to support multiple user IDs, profiles, and services, where the device is capable of both WLAN and cellular communication, thus the mobile device inherently has a control system capable of providing this functionality; and Figure accompanying Appendix A, entitled “Dual-Personality -1,” the Figure shows that the mobile device has established communications with devices having the following addresses: userA@home.net and userA@business.com, thus the mobile device inherently has a control system adapted to provide this functionality) and adapted to:

- i) provide a plurality of packet communication clients, which are associated with unique IDs for facilitating packet communications with the plurality of packet communication clients (Figure accompanying Appendix A, entitled “Dual-Personality -1,” the Figure shows that the mobile device has established communications with devices having the following addresses: userA@home.net and userA@business.com, where the addresses are associated with communication clients); and
- ii) establishing packet communications with each of the plurality of packet communication clients via the at least one packet communication interface (Figure accompanying Appendix A, entitled “Dual-Personality -1,” the Figure shows that the mobile device has established communications with devices having the following addresses: userA@home.net and userA@business.com, where bearer paths are established between the mobile device and each of the devices), the packet communications for each of the plurality of packet communication clients associated with a corresponding one of the IDs (Figure accompanying Appendix A, entitled “Dual-Personality -1,” the Figure shows that the mobile device has established communications with devices having the following addresses: userA@home.net and userA@business.com, where bearer paths are established between the mobile device and each of the devices).

22. A method for supporting a plurality of communication clients in a personal communication device (Figure accompanying Appendix A, entitled “Dual-Personality -1,” the Figure shows that a mobile device has established communications with devices having the following addresses: userA@home.net and userA@business.com where the addresses are associated with communication clients) comprising:

a) providing a plurality of packet communication clients, which are associated with unique IDs for facilitating packet communications with the plurality of packet communication clients (Figure accompanying Appendix A, entitled “Dual-Personality -1,” the Figure shows that the mobile device has established communications with devices having the following addresses: userA@home.net and userA@business.com, where the addresses are associated with communication clients); and

b) establishing packet communications with each of the plurality of packet communication clients via at least one packet communication interface (Figure accompanying Appendix A, entitled “Dual-Personality -1,” the Figure shows that the mobile device has established communications with devices having the following addresses: userA@home.net and userA@business.com, where bearer paths are established between the mobile device and each of the devices), the packet communications for each of the plurality of packet communication clients associated with a corresponding one of the IDs (Figure accompanying Appendix A, entitled “Dual-Personality -1,” the Figure shows that the mobile device has established communications with devices having the following addresses: userA@home.net and userA@business.com, where bearer paths are established between the mobile device and each of the devices).

Therefore, the present application has a conception date of at least October 6, 2003, well before the October 29, 2003 filing date of *Guo*. Furthermore, as evidenced by the Declaration of Mr. Witcher, Mr. Witcher diligently worked on the invention disclosure from the October 6, 2003 conception date until about January 20, 2004. In addition, the Applicants provide herewith a

Declaration from Benjamin S. Withrow, stating that he received the invention disclosure on or about January 20, 2004, and diligently worked on the application from January 20, 2004 until April 14, 2004, the filing date of the present application. As the present application has a conception date which predates the filing date of *Guo* and the Applicants were diligent from the date of conception until the filing date of the present application, *Guo* is an improper reference. Therefore, the rejection of claims 1, 2, 22, and 23 under 35 U.S.C. § 103(a) over *Gupta* and *Guo* is improper and the Applicants request that the rejection be withdrawn.

Claims 3, 4, 7-15, 24, 25, 28-35, and 40-42 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Gupta* in view of *Guo* and further in view of U.S. Patent No. 7,328,015 B2 to *Ramalho et al.* (hereinafter “*Ramalho*”). The Applicant respectfully traverses the rejection. As noted above, *Guo* is not a proper reference. Therefore, the rejection of claims 3, 4, 7-15, 24, 25, 28-35, and 40-42 is improper and the Applicant requests that the rejection be withdrawn.

Claims 5, 16, 26, and 37 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Gupta* in view of *Guo* and further in view of U.S. Patent Application Publication No. 2005/018372 A1 to *Benco et al.* (hereinafter “*Benco*”). The Applicant respectfully traverses the rejection. As detailed above, *Guo* is not a proper reference. As such, the rejection of claims 5, 16, 26, and 37 is improper and the Applicants request that the rejection be withdrawn.

Claims 6, 17, 18, 27, 37, and 39 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Gupta* in view of *Guo* and further in view of *Ramalho* and *Benco*. The Applicant respectfully traverses the rejection. As previously discussed, *Guo* is not a proper reference. Accordingly, the rejection of claims 6, 17, 18, 27, 37, and 39 is improper and the Applicants request that the rejection be withdrawn.

The present application is now in a condition for allowance and such action is respectfully requested. The Examiner is encouraged to contact the Applicant’s representative regarding any remaining issues in an effort to expedite allowance and issuance of the present application.

Respectfully submitted,
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